\* BEFORE THE IN THE MATTER OF THE APPLICATION OF DONALD H.
MCKINSTRY, ET UX FOR A \* COUNTY BOARD ZONING VARIANCE ON PROPERTY \* OF APPEALS LOCATED ON THE NORTH SIDE OF WHITE MARSH ROAD, 3400' EAST OF CENTERLINE OF BUCKS SCHOOL HOUSE ROAD \* BALTIMORE COUNTY (4916 WHITE MARSH ROAD) \* CASE NO. 91-159-A 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT \* \* \* \* \* ORDER OF DISMISSAL

Baltimore County.

This case comes before this Board on appeal from the decision of the Zoning Commissioner dated December 27, 1990 denying in part and granting in part with restrictions the Petitions for Zoning Variance on property located in the Eleventh Election District of

WHEREAS, the Board is in receipt of a letter of dismissal filed by Petitioner/Appellant in this matter on April 3, 1991 (a copy of which is attached hereto and made a part hereof); and WHEREAS, said Petitioner/Appellant requests that the appeal filed by him in this matter be dismissed and withdrawn as of April

3, 1991, IT IS HEREBY ORDERED this \_\_\_\_\_\_\_, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN RE: PETITION FOR ZONING VARIANCE N/S White Marsh Road, 3400' E C/L of Bucks School House Rd. \* ZONING COMMISSIONER 4916 White Marsh Road \* OF BALTIMORE COUNTY 11th Election District 5th Councilmanic District \* Case No. 91-159-A Donald H. McKinstry, et ux Petitioners

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a zoning variance from Sections 1B01.2.C.2.a (B.V.5.a., CMDP) and 504 (V.B.5.b., CMDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a window and building to tract boundary setback of 10 ft. in lieu of 35 ft. and 30 ft., respectively, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner's parents, Mr. and Mrs. William McKinstry, appeared, testified and were represented by Paul J. Redmond, Esquire. Linda L. Rosier appeared as a Protestant and was represented by Michael F. Delea, Jr., Esquire. Also appearing as a Protestant was Sharon Rusinovich.

As a preliminary matter, Mr. and Mrs. William McKinstry testified that they were appearing on behalf of their deaf son and daughter in-law, pursuant to a power of attorney which was produced at the hearing.

Testimony indicated that the subject property known as 4916 White Mash Road, consists of 1.03 acres +/-, zoned D.R.5.5 and is currently unimproved.

Mr. McKinstry testified that he has deeded the subject lot to his son and daughter in-law for the construction of a home which is approximately 54 ft. wide. Testimony indicated that the dwelling will have a garage o o which will be connected to the main structure by a breezeway.

The Petitioner testified that a building permit was applied for and received in June of 1990, but that a subsequent stop work order was issued. Testimony indicated that the subject lot is 581.86 ft. deep but only 77 ft. wide +/- at the point where the dwelling is proposed. The Petitioner testified that his son and daughter in-law would suffer an undue hardship and practical difficulty if they are required to meet the mandated setbacks of the B.C.Z.R. The Petitioner indicated that the community would suffer no detrimental hardship should the requested variances be granted.

The testimony of Michael F. Delea, Jr., attorney for Linda L. Rosier, indicated that their primary concern was that the placement of the subject dwelling on the lot would create an invasion of privacy on the existing home owners in this community and add to the substantial traffic problems experienced by this community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the Petition, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance was denied. Clearly, the Petitioners have attempted to maximize the use of their back yard by thrusting a hardship upon their adjoining neighbor. The testimony presented by the Petitioners were in support of a matter of a preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part and denied in part

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Variance from Section 1B01.2.C.2.a (V.B.5.a., CMDP) of the B.C.Z.R. for a window and building to tract boundary setback of 10 ft. in lieu of 35 ft., is hereby DENIED; and,

IT IS FURTHER ORDERED that a zoning variance from Section 564 (V.B.5.b., CMDP) of the (B.C.Z.R.) to permit a window and building to tract boundary setback of 30 ft. in lieu of the required 35 ft., in accordance with the Petitioners' Exhibit No.1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this

Order: however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

for Baltimore County

cc: Peoples Counsel

IN RE: PETITION FOR ZONING VARIANCE \* N/S White Marsh Road, 3400' ZONING COMMISSIONER E C/L of Bucks School House Rd\* 4916 White Marsh Road OF BALTIMORE COUNTY 11th Election District 5th Councilmanic District Case No. 91-159-A Donald H. McKinstry, et ux 

WHEREAS, an Order was issued in the above captioned case on Decem-Ger 27, 1990 granting in part and denying in part the Petitioner's request for a zoning variance, subject to restrictions set forth therein; and

AMENDED ORDER

WHEREAS, as a result of a clerical error, the 4th line of the "Therefore" clause on page 3 of the subject Order erroneously contained the words "and building", and;

WHEREAS, the "It Is Further Ordered" clause on page 3 of the subject Order erroneously contained the words "window and" in the second line of said paragraph and erroneously recited "setback of 30 ft. in lieu of the required 35 ft." in the third line of said paragraph.

NOW, THEREFORE, by Order of the Zoning Commissioner of Baltimore County, the text of the original opinion and order shall be amended to read as follows:

> THEREFORE, IT IS ORDERED this 10th day of January, 1991 that the Petition for Zoning Variance from Section 1B01.2.C.2.a (V.B.5.a., CMDP) of the B.C.Z.R. for a window to tract boundary setback of 10 ft. in lieu of 35 ft., is hereby DENIED; and,

IT IS FURTHER ORDERED that a zoning variance from Section 504 (V.B.5.b., CMDP) of the (B.C.Z.R.) to permit a building to tract boundary setback of 10 ft. in lieu of the required 30 ft., in accordance with the Petitioners Exhibit No.1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein."

IT IS FURTHER ORDERED, that all other terms, conditions and restrictions of the original Order of December 27, 1990 shall remain in full force and effect except as amended herein.

for Baltimore County

cc: Peoples Counsel

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

December 27, 1990

Paul J. Redmond, Esquire 405 Allegheny Avenue Towson, Maryland 21204

RE: Petition for Zoning Variance Case No. 91-159-A Donald H. McKinstry

Dear Mr. Redmond:

111 West Chesapeake Avenue

Towson, MD 21204

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

887-3353

cc: Peoples Coursel cc: Petitioner

**Protestants** 

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MICHAEL B. DALLAS Registered Surveyor SUITE 200 24 W. PENNSYLVANIA AVENUE TOWSON, MD. 21204 494-0020 ZONING DESCRIPTION No. 4916 WHITE MARSH ROAD BEGINNING for the same on the north side of White Marsh Road at a point distant 3400 feet, more or less, easterly from the intersection of said White Marsh Road and Bucks Schoolhouse Road, said place of beginning being at the southwesternmost point of Lot No. 1 as shown on the Subdivision Plan of McKinstry Property, dated October 5, 1987 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7791 folio 772, thence running and binding with the westernmost line of Lot No. 1 as shown on said Subdivision Plan North 19 degrees 18 minutes 00 seconds East 581.86 feet to a point in White Marsh Run, thence running with said White Marsh Run, and with the northernmost outline of Lot No. 1 as shown on said Subdivision Plan, the four following courses and distances, viz: 1) South 59 degrees 00 minutes 26 seconds East 19.63 feet; 2) North 74 degrees 53 minutes 37 seconds East 38.52 feet; 3) North 43 degrees 03 minutes 29 seconds East 62.93 feet; and, 4) North 86 degrees 13 minutes 11 seconds East 1.40 feet, to the division line between Lots Nos. 1 and 2 as shown on said above mentioned Subdivision Plan, thence leaving said White Marsh Run and running reversely and binding along said division line South 19 degrees 18 minutes 00 seconds West 612.28 feet to the north side of said White Marsh Road, thence running and binding along said side of said Road South 78 degrees 55 minutes 28 seconds West 90.00 feet to the place of DATE 11-29-90 8202 Feather Hill Road, Apt. 202 Dennis F. Rasmussen County Executive Petition for Zoning Variance CASE NUMBER: 91-159-A N/S of White Marsh Road, 3400' E c/l of Bucks Schoolhouse Road 4916 White Marsh Road 11th Election District - 5th Councilmanic Petitioner(s): Donald H. McKinstry, et ux HEARING: TUESDAY, DECEMBER 4, 1990 at 10:30 a.m. Please be advised that \$ 85.35 advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING. Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin. Be advised that for each sign & post set(s) not returned, there is an additional \$50.00 charge.

Very truly yours,

J. ROBERT HAINES

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

J. Robert france

beginning.

May 11, 1988

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Mr. & Mrs. Donald H. McKinstry

Perry Hall, Maryland 21128

Dear Petitioners:

(301) 887-3353

J. Robert Haines Zoning Commissioner

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Petitioner: Donald H. Mc Kins Try, at us.

Location of property: M/S White Marsh Pd., 3400' F/Bucks Schoolhous. Rd. Location of Signer Focing whit. March Rd, approx. 10 Fr. **Baltimore County** Zoning Commisioner County Office Building 111 West Chesapeake Avenue Account: R-001-6150 3313 11/02/90 H9100194 PUBLIC HEARING FEES PRICE 010 -ZONING VARIANCE (IRL) \$35.00 TOTAL: \$35.00 LAST NAME OF OWNER: MCKINSTRY 04A04#0114MICHRC BA C011:35AM11-02-90 Please make checks payable to: Baltimore County NOTICE OF HEARING Petitions for Zoning
Reclassification, Special Exception, Special Hearing & Variances
Case Number: CR90-414-XSPHA
SW/S Stemmers Run Road, Corner NW/S Maryin Avenue
401 Stemmers Run Road
15th Election District
5th Councilmanic
Legal Owner(s): Shell Oil Co. CERTIFICATE OF PUBLICATION Beginning for the same on the southwest side of Sternmers Run Road at the intersection of the northwest side of Marlyn Avenue, thence: THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_\_\_successive 1) South 47 09' 00" west 112.21 feet to an iron pipe set at the easternmost corner of that parcel of land which by deed dated May 2, 1960 and recorded among the Land Records of Baltimore County, Maryland in Liber 6161 at Folio 153 was granted and corneyed Leroy E. Jones and Betty Lou Jones, his wife, to Betty Lou Jones, thence leaving Mariyn Avenue and running with the northeastern line of said conveyed ance. weeks, the first publication appearing on  $\frac{1}{-1}$ , 19  $\frac{90}{2}$ . THE JEFFERSONIAN, leaving said outline and running with southeast line of the parcel of land described in the deed firstly mentioned above 3) North 47 24 00" east 110.33 feet thence,
4) South 43 45 00" East 139.73 feet to an iron pipe set and 5) 5.29 feet along the arc of a curve to the right having a radius of 15.00 feet and a chord bearing south 33°38' 48" east 5.26 feet to \$ 026.31

veyance.
2) North 42 36' 00" west 145.39 feet to an iron pipe set, thence south 33'38' 48" east 5.26 feet to an iron pipe set on the northeast side of Martyn Avenue, to the place of beginning, containing 16,236 square feet of land, more or less, or 0.37'2 acres of land, more or less.

Being known as No. 40'1 Stemmers Run Road, Essex, Maryland.

Special Exception for combination use auto senior estate. Special Exception for combination use auto service station and food store. Special Hearing for conversion to gas and go and amend site plan in Case #2988. Variances to allow a site area of 16,236 square feet in lieu of the required 21,384 square feet, to allow a minimum site width of 112,21 feet in lieu of the required 130 feet measured along Martyn Avenue; to allow a curb tangent length of 0 feet between the access driveway and property line on the southeast corner in lieu of the required 10 feet, to allow a curb tangent length of 0 feet between the access driveway and igilesen propert, and the way and propert, and a propert of the control of Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 Account: R-001-6150 Number M9100483 12/03/90 stacking spaces at pump island facing Marlyn Avenue; to allow setback of 4 ½ feet off property line along Marlyn Avenue for it-luminated identification sign in PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 TOTAL: \$85.35 LAST NAME OF OWNER: MCKINSTRY \$85.35 04A04#0056MICHRC hacks Pavable To: Baltimore @dustro10:01AH12-04-90

The Zoning Commissioner or Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Tuwson, Maryland 2120-Petition for Zoning Variance
Case number: 91-159-A
N/S of White Marsh Road,
3400 E of Pol Bucks
Schoolhouse Road
4916 White Marsh Road
11th Election District
5th Councilmanic
Petitioner(s):
Donald H. McKinstry, et ux
Hearing Date: Tuesday,
Dec. 4, 1990 at 10:30 a.m. Variances: to permit a window and building to tract boundary setback of 10 ft. in lieu of 35 ft. and 30 ft. respectively. J. ROBERT HAINE Zoning Commissioner of Baltimore County N/J/:1/200 Nov. 14.

## CERTIFICATE OF PUBLICATION

11-21,1990 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_/ successive 

THE JEFFERSONIAN,

\$60.35

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: enue in Towson, Maryland 21204
as follows:
Petition for Zoning Variance
Case number: 91-159-A
N/S of White Marsh Road,
3400' E c/i of Bucks
Schoolhouse Road
4916 White Marsh Road
11th Election District
5th Councilmanic
Petitioner(s):
Donald H. McKinstry, et ux
Hearing Date: Timestay Hearing Date: Tuesday, Dec. 4, 1990 at 10:30 a.m. J. ROBERT HAINES Zoning Commissioner o

## **CERTIFICATE OF PUBLICATION**

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of \_\_\_\_\_successive weeks, the first publication appearing 11-14,19 90

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zehe Olmo Publisher \$60.35

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

November 5, 1990

NOTICE OF HEARING

Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 91-159-A N/S of White Marsh Road, 3400° E c/l of Bucks Schoolhouse Road 4916 White Marsh Road 11th Election District - 5th Councilmanic Petitioner(s): Donald H. McKinstry, et ux

HEARING: TUESDAY, DECEMBER 4, 1990 at 10:30 a.m.

Variance: To permit a window and building to tract boundary setback of 10 ft. in lieu of 35 ft. and 30 ft. respectively.

> ZONING COMMISSIONER OF BALTIMORE COUNTY

Donald H. McKinstry, et ux Paul J. Redmond

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

November 27, 1990

Paul J. Redmond, Esquire 405 Allegheny Avenue Towson, MD 21204



Dennis F. Rasmussen County Executive

RE: Item No. 194, Case No. 91-159-A Petitioner: Donald H. McKinstry, et ux Petition for Zoning Variance

Dear Mr. Redmond:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. & Mrs. Donald H. McKinstry 8202 Feather Hill Road, Apt. 202 Perry Hall, MD 21128

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



Your petition has been received and accepted for filing this 5th day of November, 1990.

> J. Robert Houses ZONING COMMISSIONER

Petitioner: Donald H. McKinstry, et ux Petitioner's Attorney: Paul J. Redmond

BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE

11/21/90

NOVEMBER 15, 1990 J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

ZONING ITEM #: 194
PROPERTY OWNER: Donald H. McKinstry, et ux SUBJECT:

LOCATION: N/S White Marsh Road, 3400' of centerline Bucks School House Road (#4916 White Marsh Road) ELECTION DISTRICT: 11th COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) NUMBER PARKING SPACES ( ) BUILDING ACCESS

( ) RAMPS (degree slope) ( ) CURB CUTS ( ) SIGNAGE

SHALL COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

⟨╳⟩ A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0

COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE). OTHER - Wall openings are controlled by Table 906.3 and Section 906.3 to 906.3 to 906.6. See Section 906.2 for wall ratings.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 TEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND

Louis Waidner Executive Assistant

February 13, 1991

INTER-OFFICE CORRESPONDENCE

J. Robert Haines WH Zoning Commissioner//

SUBJECT: Zoning Hearing Case No. 91-159-A DONALD H. MCKINSTRY, ET UX - Petitioner

The petitioners were referred to our office after inquiring about the above appeal hearing at the Executive's recent Face to Face meeting.

Per the petitioner's request, we forward to them a copy of our letter addressed to the Board of Appeals which advises the Board to notify all parties of the scheduled appeal hearing (a copy of said letter is attached for your information). I believe this letter serves as a satisfactory status report for this case.

If you have any questions concerning this matter, please do not hesitate to call our Appeals Clerk, Charlotte Radcliffe at 887-3391.

Attachment

BALTIMETE COUNTY DEPARTMENT OF ENVIRONMENTAL PARTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204 Zoning Item # 194, Zoning Advisory Committee Meeting of November 27, 1990

Property Owner: <u>Nonald H. McKinstry et ux</u> Location: <u>4916 White Marsh Road</u> Water Supply: private Sewage Disposal: metro
COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations

For more complete information, contact the Division of Maternal and Child Health. ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination

of waste oil must be in accordance with the State Department of the Environment. ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior

to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted. ) The results are valid until

( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

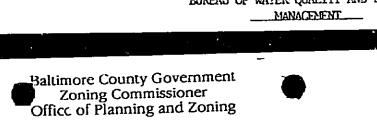
( ). Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ) shall be valid until

( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. ( Y Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-

logical and chemical water samples. ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management

( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.



111 West Chesapeake Avenue Towson, MD 21204

at 887-3980.

887-3353

with the Bill of which the Newson

1 Jaunita

February 8, 1991

Baltimore County Board of Appeals County Office Building, Room 315 Towson, Maryland 21204

RE: Petition for Zoning Variance N/S White Marsh Road, 3400' E C/L of Bucks School House Road (4916 White Marsh Road) 11th Election District, 5th Councilmanic District DONALD H. MCKINSTRY, ET UX - Petitioner Case No. 91-159-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 21, 1991 by Deborah C. Dopkin, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

> J. ROBERT HAINES Zoning Commissioner

cc: Mr. & Mrs. Donald H. McKinstry 8202 Featherhill Road (Apt. A202), Perry Hall, MD 21128 Deborah C. Dopkin, Esquire - Hellman & Redmond 405 Allegheny Avenue, Towson, MD 21204

Michael F. Delea, Jr., 400 Allegheny Avenue, Towson, MD 21204

Linda L. Rosier, 4910 White Marsh Road, Baltimore, MD 21237 Sharon Rusinovich, 4918 White Marsh Road, Baltimore, MD 21237 People's Counsel, Rm. 304, County Office Bldg., Towson, MD 21204

Baltimore County Fire Department 700 East Joppa Road, Suite 90. Towson. Marvland 21204-5500 (301) 887-4500

Paul H. Reincke

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

Location:

Dennis F. Rasmussen

RE: Property Owner: DONALD H. MCKINSTRY

Baltimore County Office Building

Office of Planning and Zoning

#4916 WHITE MARSH ROAD

Zoning Agenda: NOVEMBER 27, 1990 Item No.: 194

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

**NOVEMBER 28, 1990** 

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

JK/KEK

Petition for Zoning Variance N/S White Marsh Road, 3400' E C/L of Bucks School House Road (4916 White Marsh Road) 11th Election District - 5th Councilmanic District DONALD H. MCKINSTRY, ET UX - Petitioner Case No. 91-159-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Zoning Plat

2. Two (2) photographs of subject lot Zoning Commissioner's Order dated December 27, 1990 (Denied in part;

Granted in part with conditions) Zoning Commissioner's Amended Order dated January 10, 1991 correcting clerical errors.

Notice of Appeal received January 21, 1991 from Deborah C. Dopkin, Attorney on behalf of the Petitioners

cc: Mr. & Mrs. Donald H. McKinstry 8202 Featherhill Road (Apt. A202), Perry Hall, MD 21128 Deborah C. Dopkin, Esquire - Hellman & Redmond

405 Allegheny Avenue, Towson, MD 21204 Michael F. Delea, Jr., 400 Allegheny Avenue, Towson, MD 21204 Linda L. Rosier, 4910 White Marsh Road, Baltimore, MD 21237

Sharon Rusinovich, 4918 White Marsh Road, Baltimore, MD 21237

People's Counsel of Baltimore County Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning Patrick Keller, Office of Planning & Zoning J. Robert Haines, Zoning Commissioner Ann M. Nastarowicz, Deputy Zoning Commissioner James E. Dyer, Zoning Supervisor W. Carl Richards, Jr., Zoning Coordinator Docket Clerk

Arnold Jablon, County Attorney Public Services

Re: PETITION FOR ZONING VARIANCE N/S White Marsh Road, 3400' E C/L of Bucks School House Rd. 4916 White Marsh Road 11th Election District 5th Councilmanic District Donald H. McKinstry, et ux Petitioners

BEFORE THE

BOARD OF APPEALS \* OF BALTIMORE COUNTY \* Case No. 91-159-A

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

## NOTICE OF APPEAL

Please note an appeal from the Findings of Fact and Conclusions of Law, and Amended Order, rendered by the Zonin commissioner of Baltimore County, dated December 27, 1990 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Appellants are the Petitioners, Donald H. McKinstry, et ux, whose address is 8202 Featherhill Road, Apartment 202, Perry Hall, Maryland 21128.

Enclosed is the appeal fee of \$125.00 along with the sign fee of \$25.00 to cover the cost of

Deborah C. Dopkin, Attorney for App Hellman & Redmond 405 Allegheny Avenue Towson, Maryland 21204 (301) 825-1099

ORMS\APPEALMCK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2 day of January, 1991 a copy of the aforegoing Notice of Appeal was mailed to Arnold Jablon, County Attorney, Old Courthouse, Towson, Maryland 21204.

> Deborah C. Dopkin, Attorney for A Hellman & Redmond 405 Allegheny Avenue Towson, Maryland 21204 (301) 825-1099

91-159-A

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: December 4, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Donald H. McKinstry, Item No. 194

The Petitioner requests a Variance to permit a window and building to tract boundary setback of 10 ft. in lieu of 35 ft. and 30 ft., respectively.

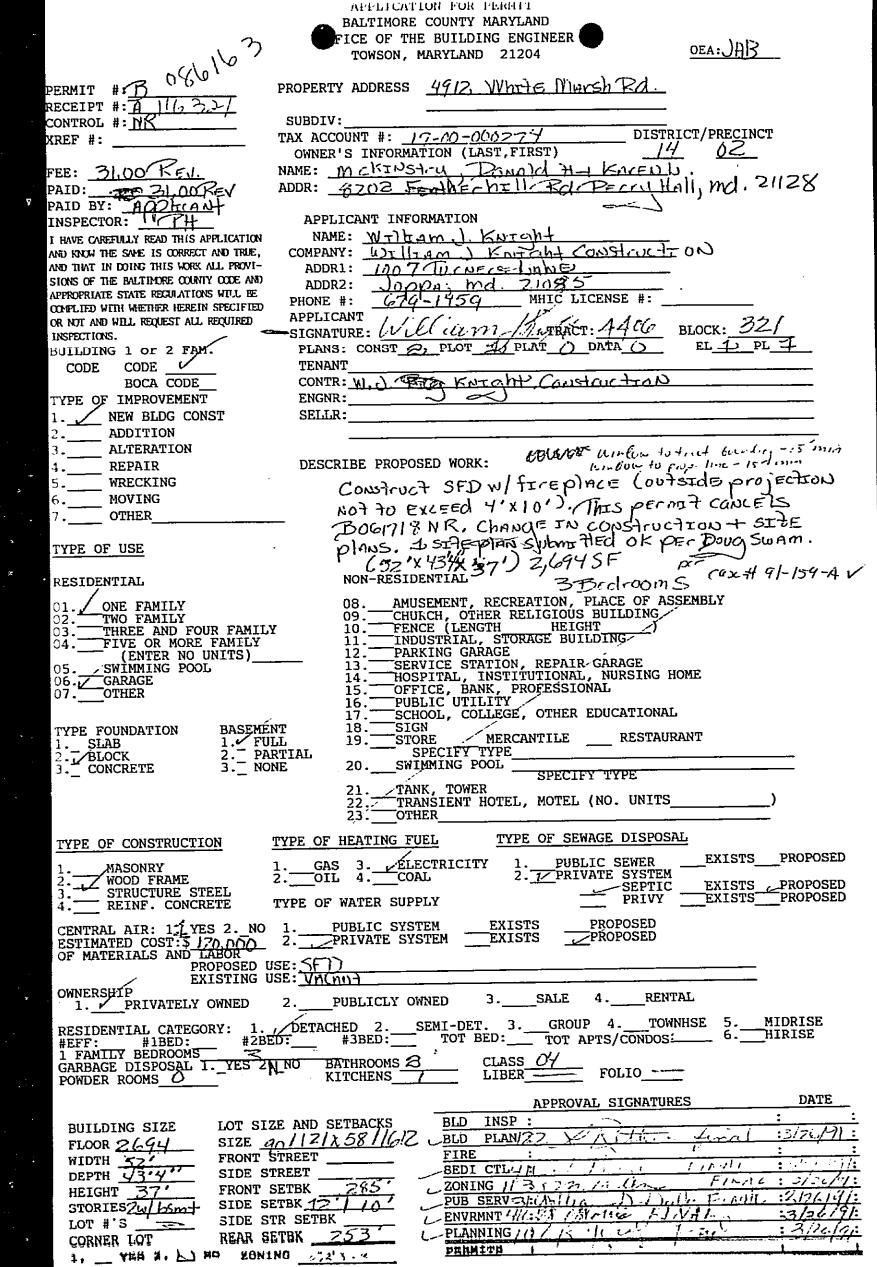
In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM194/ZAC1

received



Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

January 9, 1991

Paul J. Redmond, Esquire 405 Allegheny Avenue Towson, Maryland 21204

RE: Petition for Zoning Variance Case No. 91-159-A Donald H. McKinstry

Enclosed please find the Amended Order in the above captioned case. In the event the decision rendered is unfavorable to any party, please

be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

// Zoning Commissioner

cc: Petitioner Protestants

PROTESTANT(S) SIGN-IN SHEET 400 ALLEGHENY AVENUE 4910 White Marsh Rd. 21237 Linda L. Rosier 4918 WHITE MARSH RD 21237 SHARON RUSINOVICH

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY BROZFEATHERHILL KD AZOZ PERRY HALL MD 31128

